IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.47598-M of 2006

DATE OF DECISION: NOVEMBER 6, 2006

Joga Singh

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Rajnish Narula, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.
Mr.Rajesh Bansal, Advocate,
for respondent No.2.

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The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.142 dated 10.8.2001 registered under Sections 406 and 420 IPC at Police Station Morinda, District Ropar, only on the basis of compromise.

The aforesaid FIR was registered on the complaint made by Charan Singh-respondent No.2. In the FIR, it was alleged that the petitioner along with his son Tejinder Singh alias Teji had taken a sum of Rs.3,70,000/- along with passport from the complainant for sending the son of the complainant, namely, Lakhvir Singh, to Italy. It was agreed that son of the complainant will be sent abroad within one month. However, the petitioner did not send the complainant's son abroad within the stipulated period. Thereafter, a Panchayat was convened, but neither the petitioner sent the complainant's son to Italy nor returned the amount. Hence, the aforesaid FIR was registered against the petitioner.

During the pendency of the FIR, the petitioner was released on anticipatory bail. Subsequently, when the petitioner went to Italy, he was declared proclaimed offender. Charge has also been framed against the petitioner. During the pendency of the case, a compromise has been arrived at between the parties. A copy of the compromise has been annexed with this petition as Annexure P-3. As per the compromise, it has been agreed between the parties that they do not want to pursue the aforesaid case as the entire amount due to the complainant, has been returned to him. Even the complainant has also acknowledged the receipt of a sum of Rs.3,70,000/-, copy of which has been annexed with this petition as Annexure P-4.

After notice of motion, written statement by way of affidavit of respondent No.2 has been filed in which it has been stated that he does not want to pursue the aforesaid FIR as the matter has been compromised between the parties and he has received the entire amount. It has been further stated in the reply that the complainant has no objection if the FIR in question is quashed against the petitioner.

After hearing the counsel for the parties and going through the record of the case, I am of the opinion that since the parties have amicably settled their dispute by arriving at a compromise, therefore, in the interest of justice and in order to bring harmony between them so that they could lead peaceful life, the FIR is liable to be quashed as no useful purpose will be served by proceeding further in the matter.

Hence, this petition is allowed and FIR No.142 dated 10.8.2001 registered under Sections 406/420 IPC at Police Station Morinda, District Ropar and the subsequent proceedings arising therefrom are hereby

quashed against the petitioner.

November 6, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE